

REMARKS

This paper is being filed in response to the Office Action dated August 1, 2003 that was issued in connection with the above-identified patent application. Applicants respectfully request reconsideration of the instant application in view of the amendments and remarks presented herein.

Claims 1, 3, 6-11, and 15-18 are pending. Claims 10, 16, and 17 have been cancelled herein without prejudice. Claim 11 has been amended. Therefore, claims 1, 3, 6-9, 11, 15, and 18 will be pending upon entry of the instant Amendment.

An objection to claim 17 has been raised under 37 C.F.R. § 1.75 as being a substantial duplicate of claim 10. This objection is moot in view of the cancellation of claim 17 without prejudice herein.

Claim 11 has been objected to as dependent on a rejected base claim. The Examiner has indicated that claim 11 would be allowable if rewritten to include all of the limitations of the base claim. Applicants have amended claim 11 to independent form incorporating all of the limitations of claim 10. Accordingly, Applicants respectfully request withdrawal of this objection.

Claim 17 has also been rejected under 35 U.S.C. § 112, second paragraph as indefinite since it is allegedly unclear whether the phrase "wherein said nucleotide sequence comprises nucleotides 81-521 of SEQ ID NO:3" is part of the claim. This objection is moot since claim 17 has been cancelled herein without prejudice.

Claim 16 has been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Accession No. AA398583 of Hillier et al. (hereinafter "Hillier"). The Examiner has acknowledged that Hillier is silent regarding a nucleotide sequence that encodes a lysozyme, but

has alleged that absent evidence to the contrary, the Hillier sequence inherently encodes a protein having lysozyme activity. This rejection is moot in view of the cancellation of claim 16 without prejudice herein.

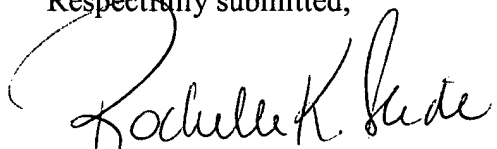
Claims 10, 16, and 17 have been rejected under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent 5,643,758 to Guan et al. (hereinafter "Guan") in view of the complement of the Hillier sequence. The Examiner has alleged that Guan teaches expression vectors, prokaryotic and eukaryotic host cells, and methods for making and purifying any protein fused to the *E. coli* maltose-binding protein. The Examiner has acknowledged that Guan fails to teach a DNA molecule encoding a protein comprising the amino acid sequence of amino acids 19-146 of SEQ ID NO:4 wherein the protein has lysozyme activity. However, the Examiner has alleged it would have been obvious to one of ordinary skill in the art to combine the DNA of Hillier with the vectors, cells and methods of Guan.

This objection is moot since claims 10, 16, and 17 have been cancelled herein without prejudice.

In summary, Applicants believe that all pending claims are in condition for allowance and respectfully solicit prompt favorable action.

Applicants do not believe that any fees are required with this paper. Nevertheless, the Commissioner is hereby authorized to charge any fees occasioned by this submission not otherwise enclosed herewith to Deposit Account No. 02-4377. Please credit any overpayment of fees associated with this filing to the above-identified deposit account. A duplicate of this page is enclosed.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Rochelle K. Seide", written in dark ink over a horizontal line.

Rochelle K. Seide
PTO Reg. No. 32,300
Attorney for Applicants

Guy F. Birkenmeier
PTO Reg. No. 52,622
Agent for Applicants

BAKER BOTTS, L.L.P.
30 Rockefeller Plaza
New York, NY 10112
(212) 408-2500

October 27, 2003